

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
03/18/2002

03/08/2002

CLERK OF THE COURT
FORM R114

THE HONORABLE MICHAEL A. YARNELL

K. Winchell
Deputy

CR 2001-002949

FILED: _____

STATE OF ARIZONA

DAVID V RODRIGUEZ

v.

DANIEL BRUCE FAGIN
DOB: 08/09/1962

SUSAN A MAGA

APO-SENTENCINGS-CCC
APPEALS-CCC
DISPOSITION CLERK-CSC
DOCKET-CRIMINAL-CCC
SUPERIOR COURT COLLECTIONS
UNIT

ADMISSION
DISPOSITION HEARING - PROBATION REINSTATED

State's Attorney: County Attorney, Hank Gooday for
above-named counsel

Defendant's Attorney: Above-named counsel

The official record of this proceeding is made by digital
audio/video recording pursuant to Maricopa County Superior Court
Administrative Order No. 2001-076 dated October 1, 2001, and
Arizona Supreme Court Administrative Order No. 2001-118, dated
December 12, 2001.

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LET THE RECORD RELFECT that assigned counsel for the Defendant is noted above and Docket is directed to make the appropriate changes to the caption in this cause.

The Court advises the Defendant that by entering an admission to the allegation of violation of probation that he waives the right to have the Arizona Court of Appeals review the proceedings by way of direct appeal, and may seek review only by filing a Petition for Post Conviction Relief pursuant to Rule 32.

The Defendant admits violation of probation as to term #2.

The Court finds that the Defendant knowingly, voluntarily and intelligently admits to violation of the terms of probation previously imposed.

The admission is accepted and entered of record.

The Defendant is advised of the right to a Mitigation/Disposition Hearing within the statutory time limits and has waived those rights. Defendant also agrees to proceed on the oral recommendation of the Probation Department.

Disposition proceeds at this time.

THE COURT FINDS from statements made by the probation department and both counsel, that this is a Proposition 200 case with no disqualifiers (First Strike.)

Probation Officer, JL Doyle for Judy St. John makes an oral recommendation to the Court.

Counsel inform the Court that there is no further evidence to present.

IT IS ORDERED finding the Defendant has violated the terms and conditions of probation previously imposed.

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The Defendant is asked if he has anything to say on his own behalf; and no legal cause for delay appearing,

IT IS ORDERED reinstating the Defendant on probation under the rewritten conditions and regulations as explained by the Court under the supervision of the Adult Probation Department of this Court to date from March 8, 2002 for a period of 3 years.

Conditions of probation include the following:

IT IS ORDERED that the Defendant pay a monthly probation service fee to the Clerk of the Superior Court of Maricopa County at a rate of \$40.00 commencing on April 1, 2002 and due on the same day of each month thereafter during the term of probation.

ASSESSMENT in the amount of \$20.00 as follows:

Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

Payment is to be made in regular monthly payments of \$5.00 commencing April 1, 2002 and on the same day of each month thereafter until paid in full.

IT IS ORDERED that the Defendant shall complete 24 total hours of Community Service, at the rate of 20 hours each month beginning April 1, 2002.

FINE: Total amount of \$750.00; surcharges are waived.

Payment is to be made in regular monthly payments of \$50.00 commencing April 1, 2002 and on the same day of each month thereafter until paid in full.

Fine is to be paid to the Arizona Drug Enforcement Fund.

All amounts payable through the Clerk of the Superior Court.

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IT IS FURTHER ORDERED that Defendant be given credit for any monies paid to date.

IT IS ORDERED granting the Motion To Dismiss the allegations of violation of the remaining term(s) as set forth in the Petition to Revoke.

The written terms and conditions of probation are handed to the Defendant for explanation and signature. The Defendant is advised of the consequences of failure to abide the terms of probation.

The Court advises Defendant of the rights of review and provides written notice of those rights.

IT IS FURTHER ORDERED that the Defendant be released from custody for this case only.

ISSUED: Order of Release.

FILED: Conditions of Probation and Notice of Rights of Review after Conviction, both signed by the Defendant with copies provided to the Defendant.

A written probation violation report has not been prepared.

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Defendant's thumbprint is permanently affixed to this
sentencing order in open court.

/s/ THE HONORABLE MICHAEL A. YARNELL
JUDICIAL OFFICER OF THE SUPERIOR COURT

(thumbprint)